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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/013,114	10/22/2001	Claude Vercaemer	68.0282	9536

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EXAMINER	
SCHOEPPPEL, ROGER J	
ART UNIT	PAPER NUMBER

3672

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/013,114

Applicant(s)

VERCAEMER ET AL.

Examiner

Roger J. Schoeppel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Applicant's response as to the applicability of the prior art as cited in the prior Office action is unpersuasive. Whereas the examiner will agree that in the prior Office action the specific disclosed features in the cited prior art may not have been as precisely stated as was the examiner's intended purpose, the cited references in the examiner's opinion nonetheless clearly disclose the features the examiner was attempting to cite in that action. Accordingly, the citations and explanations by the examiner are being repeated with hopefully a more precise explanation will ensue of the particular features of the prior art that the examiner has relied on to make the numerous rejections.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6, 7, 9-11, 17, 18, 21-23, 25, 29 and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Teague et al, claims 1, 2, 5, 9-12, 18-20, 25, 27, 29 and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Swift, and claims 1-3, 6, 8, 9, 11, 18-23, 27, 29 and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebourg, all applicants cited prior art.

Teague et al disclose an expansible liner for use in an open hole section of a wellbore wherein pipe string 16 is used with removable setting tool 18 to install expansible liner 14, the liner taken as the called for insertion guide being radially expandable and comprising packers 20 to inhibit axial fluid flow, the packers being disposed circumferentially in rings about the expansible liner to inhibit axial flow as is

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called for in claims 6 and 7, the liner having a sand screen 22 as called for in claims 10 and 25, the liner comprising a solid-walled section outside of a production fluid reservoir as called for in claims 17 and 31, the drop valve 48 (Fig. 8) being used in the "completion" called for in claims 18, 27 and 36, Teague et al being anticipated as having all of the other features called for in these claims.

Swift discloses a method and apparatus for stabilizing formations which uses internally deformable pipe along with setting tool 34 and upwardly moving deforming tool 50 to expand slotted liner 32, the reference having all of the features called for by the instant second group of claims wherein, in particular, the liner serves as the called for "insertion guide" and is radially expandable as called for in claims 1 and 2, the liner having a plurality of radial slotted openings which are anticipated as also serving to permit radial flow therethrough and as a sand screen as is called for in claims 5, 10, 12 and 25, the vertical upward passing of the deforming tool 50 taken as comprising the "completion" called for in claims 18-20, 27, 29, 30, 35 and 36, inter alia, and wherein a production tubing is anticipated as being installed in a "final completion".

Lebourg discloses the use of an expandable liner 13 made of an impermeable yet elastic material set with setting tool 14 and used in a "completion" to isolate formation 11, the setting tool being retrievable after expanding liner 13 which serves as an "insertion guide" as called for in claims 1-3 so as to inhibit axial flow from the formation 11 about the liner as called for in claim 6, the elastic member serving as the swelling material called for in claim 8, the liner 13 also serving as the "completion component" called for in claims 9 and 11, the setting tool comprising a "completion or a

"final completion" as called for in claims 18-23, 27, 29 and 31-36, the reference having all of the features called for by the instant grouping of claims or the same as would be anticipated therefrom.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teague et al, Swift and Lebourg, and further in view of Terry et al.

Teague et al, Swift and Lebourg all disclose the features of the independent claims as abovesaid but do not disclose wherein the system further comprises a signal carrier as is called for by the instant claims. Terry et al disclose that it is old to embed electrical conductors in a load carrying member for use as a signal carrier transmitted from a downhole located sensor for use for example in transmitting a measure of pressure or temperature. It would have been obvious for one of ordinary skill to consider the use of electrical conductors as a signal carrier coupled to a sensor, the completion equipment or to the functional equivalence of the insertion guide utilized by Teague et al, Swift or Lebourg.

Accordingly, it is deemed by this examiner that it would have been obvious to one of ordinary skill in this art at the time of the invention and having a knowledge of these references, and when considering the prior art as a whole, to have used the functional equivalence of a signal carrier in conjunction with a sensor as taught by Terry et al in combination with an insertion guide or a completion component in a system designed according to the teachings of Teague et al, Swift and Lebourg for the purpose of improving on the lining of downhole producing formations.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teague et al, Swift or Lebourg as applied to claim 1 above and further in view of Stone or Mohn.

Teague et al, Swift and Lebourg all disclose the features of the independent claim as abovesaid but do not disclose the use wherein a labyrinth is used to inhibit axial flow. Both Stone and Mohn disclose the use of a labyrinth to effect a seal (see Stone, column 8, lines 31-32, and Mohn, column 2, line 4).

Accordingly, it is deemed by this examiner that it would have been obvious to one of ordinary skill in this art at the time of the invention and having a knowledge of these references, and when considering the prior art as a whole, to have used a labyrinth to effect a seal as taught by Stone or Mohn in the system designed according to the teachings of Teague et al, Swift or Lebourg for the purpose of improving the sealing of downhole formations.

Claims 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teague et al, Swift or Lebourg as applied to the independent claim as abovesaid and further in view of Cook.

Teague et al, swift and Lebourg all disclose the features of the independent claim as abovesaid but do not disclose the use of the claimed system or method in a lateral well. Cook discloses it is old so to do. One of ordinary skill would consider the use of the system of Cook in the system of Teague et al, Swift or Lebourg, or the functional equivalence of the same.

Accordingly, it is deemed by this examiner that it would have been obvious to one of ordinary skill in this art at the time of the invention and having a knowledge of

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these references, and when considering the prior art as a whole, to have used a system for use in a wellbore as taught by Cook in the design of a system for use in a wellbore as per Teague et al, Swift or Lebourg for the purpose of improving the completion of boreholes.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 19, 20, 22 and 33 recites the limitation "the final completion". There is insufficient antecedent basis for this limitation in these claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger J. Schoepfel whose telephone number is (703) 308-2147. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4180.



Roger J. Schoepfel
Primary Examiner
Art Unit 3672

RJS 11/19/03